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EXAMINER
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HARLE, JENNIFER I

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,379

Examiner

Jennifer I. Harle

Applicant(s)

KIMBLE, CHRISTOPHER JOHN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

Claims 1-20 are pending. Claims 1-20 are rejected.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the parameter representative of the (a) (an online merchant) web site (intended to) receiving (receive) the online purchase request, web crawler, online purchase request must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 105. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Claims 6-7, 16, and 20 objected to because of the following informalities: the use of the word "in" with an ISP, credit card company's authorization system/computer and/or plug in-type system when intercepting a request appears grammatically incorrect and does not make logical sense because the request is not being stopped physically in the computer/system but rather "by" or "using" or "by means of" it. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 9 (and dependent claims 10-17), and 18 (and dependent claims 19-20) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “a parameter representative of” either “a web site” or “an online merchant” utilized in conjunction with “indexing into the categorized database” is indefinite because it is unclear what is meant by “a parameter representative of.” It is not an art recognized term and the specification does not disclose any meaning, examples, or metes and bounds. There is no illustration in the drawings. The only references to the phrase is in the Summary of the Invention where the phrase is restated as used in the claims [0008] and in the detailed description of blocking unauthorized purchases where the credit card company’s authorization system then checks the card information against a “plurality of parameters” to determine if the charge is to be authorized [0022]. The examiner is interpreting the phrase “a parameter representative of” to include any consideration utilized in categorization, i.e. age, content, key words, etc.

***Lexicography***

5. After careful review of the specification and prosecution history, the Examiner is unaware of any desire—either expressly or implicitly—by Applicant(s) to be their own lexicographer and to define a claim term to have a meaning other than its ordinary and accustomed meaning. Therefore, the Examiner starts with the presumption that all claim limitations are given their ordinary and accustomed meaning. See *Bell Atlantic Network Services Inc. v. Covad*

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*Communications Group Inc.*, 262 F.3d 1258, 1268, 59 USPQ2d 1865, 1870 (Fed. Cir. 2001) (“[T]here is a heavy presumption in favor of the ordinary meaning of claim language as understood by one of ordinary skill in the art.”); *CCS Fitness Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366, 62 USPQ2d 1658, 1662 (Fed. Cir. 2002) (There is a “heavy presumption that a claim term carries its ordinary and customary meaning.”). See also MPEP §2111.01 and *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).<sup>1</sup>

In accordance with the ordinary and accustom meaning presumption, during examination the claims are interpreted with their “broadest reasonable interpretation . . . .” *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).<sup>2</sup>

However, if Applicant(s) wish to use lexicography and desire a claim limitation to have a meaning other than its ordinary and accustom meaning, the Examiner respectfully requests Applicant(s) in their next response to expressly indicate<sup>3</sup> the claim limitation at issue<sup>4</sup> and to show where in the specification or prosecution history the limitation is defined. Such definitions must be clearly stated in the specification or file history. *Bell Atlantic*, 262 F.3d at 1268, 59 USPQ2d at 1870, (“[I]n redefining the meaning of particular claim terms away from the ordinary

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<sup>1</sup> It is the Examiner’s position that “plain meaning” and “ordinary and accustom meaning” are synonymous. See e.g. *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001) (“[A]ll terms in a patent claim are to be given their plain, ordinary and accustomed meaning . . .”).

<sup>2</sup> See also MPEP §2111; *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995); *In re Etter*, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985) (en banc).

<sup>3</sup> “Absent an *express intent* to impart a novel meaning, terms in a claim are to be given their ordinary and accustomed meaning. [Emphasis added.]” *Wenger Manufacturing Inc. v. Coating Mach. Sys., Inc.*, 239 F.3d 1225, 1232, 57 USPQ2d 1679, 1684 (Fed. Cir. 2001) (citations and quotations omitted). “In the absence of an *express intent* to impart a novel meaning to claim terms, an inventor’s claim terms take on their ordinary meaning. We indulge a heavy presumption that a claim term carries its ordinary and customary meaning. [Emphasis added.]” *Teleflex Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1325, 63 USPQ2d 1374, 1380 (Fed. Cir. 2002) (citations and quotations omitted).

<sup>4</sup> “In order to overcome this heavy presumption in favor of the ordinary meaning of claim language, it is clear that a party wishing to use statements in the written description to confine or otherwise affect a patent’s scope must, at the

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meaning, the intrinsic evidence must 'clearly set forth' or 'clearly redefine' a claim term so as to put one reasonably skilled in the art on notice that the patentee intended to so redefine the claim term").<sup>5</sup> The Examiner cautions that no new matter is allowed.

Failure by Applicant(s) in their next response to address this issue or to be non-responsive to this issue entirely will be considered a desire by Applicant(s) to forgo lexicography in this application and to continue having the claims interpreted with their ordinary and accustomed meaning and with their broadest reasonable interpretation. Additionally, it is the Examiner's position that above requirements are reasonable.<sup>6</sup> Applicant(s) are also cautioned that even though claim interpretation begins with this presumption, after issuance the prosecution history may further limit claim scope if Applicant(s) disclaim or disavow a particular interpretation of the claims during prosecution. *Abbott Laboratories v. TorPharm Inc.*, 300 F.3d 1367, 1372, 63 USPQ2d 1929, 1931 (Fed. Cir. 2002).

The term indexing is not defined in the specification. Thus, the examiner is applying the generally accepted meaning, i.e. in a database, to find data by using keys such as words or field names to locate records. Microsoft Press Computer Dictionary Third Edition, 1997, pg. 247.

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very least, point to a term or terms in the claim with which to draw in those statements." *Johnson Worldwide Assocs. v. Zebco Corp.*, 175 F.3d 985, 989, 50 USPQ2d 1607, 1610 (Fed. Cir. 1999).

<sup>5</sup> See also *Vitronics Corp. v. Conception, Inc.*, 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1576 (Fed. Cir. 1996), ("[A] patentee may choose to be his own lexicographer and use terms in a manner other than their ordinary meaning, as long as the special definition of the term is *clearly stated* in the patent specification or file history. [Emphasis added.]"); *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998) ("Such special meaning, however, must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention."). See also MPEP §2111.02, subsection titled "Applicant May Be Own Lexicographer" and MPEP §2173.05(a) titled "New Terminology."

<sup>6</sup> The requirements are reasonable on at least two separate and independent grounds: first, the Examiner's requirements are simply an express request for clarification of how Applicant(s) intend their claims to be interpreted. Second, the requirements are reasonable in view of the USPTO's goals of compact prosecution, productivity with particular emphasis on reductions in both pendency and cycle time, and other goals as outlined in the USPTO's The 21<sup>st</sup> Century Strategic Plan, June 3, 2002 available at [www.uspto.gov/web/offices/com/strat2001/index.htm](http://www.uspto.gov/web/offices/com/strat2001/index.htm).

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Unless expressly noted otherwise by the Examiner, the preceding claim interpretation principles apply to all examined claims currently pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4, 6, 9-10, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Solokl, et al. (6,173,269 B1).

As per claim 1, Solokl teaches a method for prohibiting predetermined categories of online purchases (Abstract - transactions are limited only to those vendors approved by teens parents; an important feature of the invention is the ability of the parent to accept a service approved list of appropriate merchants, appropriate merchant categories, i.e. predetermined categories of online purchases; the use of the service also prevents the sale of illicit items such as liquor, non-prescription drugs, or pornography and can inspect sites before they are added to the service's approved list and thereby prevent teen access to undesirable sites or specific products/services on otherwise approved sites, cols. 5-6, lines 56-6), comprising:

Generating a database of user specific preferences (the service maintains a database of service members, as well as member profiles that include such information as spending limits per transaction types of products that may be purchased, and source of funds, col. 6, lines 63-66);

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Generating a categorized database of websites offering online purchases (merchant sites) within the services system (the service maintains a database of service members, as well as member profiles that include such information as spending limits per transaction types of products that may be purchased, and source of funds, col. 6, lines 63-66; in the presently preferred embodiment the service screens merchants that are known to be reputable and are known to carry only merchandize and services appropriate for teens and may provide subsets of this list, such as entertainment or clothing, col. 9, lines 8-13);

Determining if the online purchase request corresponds to an entry in the categorized database of web sites offering online purchases (teens privileges are automatically enforced by the service matching a desired transaction to the profile established by the teen's parents, includes categorized database of websites offering online purchases and a separate profile, col. 9, lines 8-27); and

Prohibiting the online purchase request if a corresponding entry is found in the categorized database of web sites offering online purchases and if the user specific preferences indicate that that the online purchase request corresponds to a type of purchase to be prohibited (teens privileges are automatically enforced, col. 9, lines 8-27).

As per claim 4, Solokl teaches determining if the online purchase request corresponds to an entry in the categorized database of web sites offering online purchases by indexing<sup>7</sup> into the categorized database with a parameter representative of the web site receiving the online purchase request to determine if a matching parameter resides in the categorized database of web

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<sup>7</sup> Note the definition of indexing under the lexicography paragraph. The categorized database is being indexed into as the service can also intercept a transaction and prevent a sale from proceeding if a particular class of goods is identified by key word. Thus as indexing is occurring for types of goods for a web site and the service prevent access to undesirable sites or specific products/services on otherwise approved sites.



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sites (cols. 5-6, lines 56-12; col. 6, lines 63-66; note the definition of "parameter representative of" set forth above).

As per claim 6, Solokl teaches that the receiving of an online purchase request includes intercepting the online purchase request in an Internet service provider (col. 6, lines 8-12 - the interception occurs at service.com, the Internet service provider)

As per claim 9, Solokl teaches a method for prohibiting selected online purchases (Abstract - transactions are limited only to those vendors approved by teens parents; an important feature of the invention is the ability of the parent to accept a service approved list of appropriate merchants, appropriate merchant categories, i.e. predetermined categories of online purchases; the use of the service also prevents the sale of illicit items such as liquor, non-prescription drugs, or pornography and can inspect sites before they are added to the service's approved list and thereby prevent teen access to undesirable sites or specific products/services on otherwise approved sites, cols. 5-6, lines 56-6), comprising:

Receiving an online purchase request (cols. 5-6, lines 47-12);

Indexing<sup>8</sup> into a categorized database of online websites with a parameter representative of a web site intended to receive the online purchase request to determine if the web site intended to receive the online purchase request is a type of web site from which a user desires to prohibit purchases from (cols. 5-6, lines 56-12; col. 6, lines 63-66; col. 9, lines 8-27); and

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<sup>8</sup> Note the definition of indexing under the lexicography paragraph. The categorized database is being indexed into as the service can also intercept a transaction and prevent a sale from proceeding if a particular class of goods is identified by key word. Thus as indexing is occurring for types of goods for a web site and the service prevent access to undesirable sites or specific products/services on otherwise approved sites.

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Blocking the online purchase request from being processed if the web site intended to receive the online purchase request is a type of web site from which the user desires to prohibit purchases from (cols. 5-6, lines 56-12; col. 9, lines 8-27).

As per claim 10, Solokl teaches storing user information representative of the types of purchases the user desires to prohibit in an electronically accessible database (cols. 5-6, lines 56-12; col. 6, lines 63-66; col. 9, lines 8-25).

Claim 15 is rejected for the same reason as claim 6.

As per claim 17, Solokl teaches receiving an online purchase request that intercepts the online purchase request using a software process configured to cooperative(ly) operate with a browser program on the user's personal computer (col. 5, lines 12-18 – service.com is a software process configured to cooperatively operate with the browser program on the user's personal computer, the software is resident on the Internet – the claim does not specify that the software resides locally only that it cooperatively operate with the browser program on the user's personal computer).

As per claim 18, Solokl teaches a method for blocking predetermined categories of online purchases (Abstract - transactions are limited only to those vendors approved by teens parents; an important feature of the invention is the ability of the parent to accept a service approved list of appropriate merchants, appropriate merchant categories, i.e. predetermined categories of online purchases; the use of the service also prevents the sale of illicit items such as liquor, non-prescription drugs, or pornography and can inspect sites before they are added to the service's approved list and thereby prevent teen access to undesirable sites or specific products/services on otherwise approved sites, cols. 5-6, lines 56-6), comprising:

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Receiving an online purchase request from a user, the online purchase request being associated with a parameter representative of an online merchant receiving the online purchase request (cols. 5-6, lines 47-12; note the definition of "parameter representative of" above);

Determining if the online merchant offers categories of purchases that the user desires to prohibit by searching a categorized database of known online merchants with the parameter representative of the online merchant (cols. 5-6, lines 47-12 and 63-66); and

Blocking the completion of the online purchase request if the online merchant is determined to offer categories of purchases that the user desires to prohibit (col. 9, lines 16-30).

Claim 20 is rejected for the same reasons as claim 6.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 9-10, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl, et al. (6,173,269 B1) in view of Chaudhuri, et al. (6,223,171 B1).

As per claims 4, 9, and 12, Solokl teaches as set forth above. Assuming arguing indexing is not deemed to be specifically taught, Solokl does not specifically teach indexing into the categorized database with a web site address of the site intended to receive the online purchase request. Chaudhuri teaches that database servers use indexes to enhance performance in processing queries and to help access data in a database more efficiently (col. 1, lines 18-24). Chaudhuri also teaches that although all possible indexes can be constructed, the number of

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possible indexes over a database can be very large and can significantly increase memory requirements, including storage requirements and that many of the indexes may provide no additional benefits and thus when you design your database indexes you use only a subset of the possible indexes based upon the queries that will benefit from the indexes that the design tool is proposing to add and to what extent, as well as teaching an index planning wizard (Figs. 2 and 4; col. 1, lines 11-61). In the instant case, using Chaudhuri's analysis one would index for a parameter representative of the web site receiving the online purchase because that is a query that will benefit from the indexes that the design tool is proposing to add, as Solokl teaches that those parameters, i.e. categorizations, types of web sites, key words are utilized frequently, as set forth above. Moreover, Solokl teaches that the web address is actively used in the querying, i.e. the teen may have access to Amazon.com, sites may be selected from either a list of teen approved sites, etc. (cols. 5-6, lines 56-12). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized indexing in Solokl as taught in Chaudhuri and more particularly as explained by the examiner because of the benefits indexing provides as specifically taught by Chaudhuri.

As per claim 10, Solokl teaches storing user information representative of the types of purchases the user desires to prohibit in an electronically accessible database (cols. 5-6, lines 56-12; col. 6, lines 63-66; col. 9, lines 8-25).

Claim 15 is rejected for the same reason as claims 6 and 9.

As per claim 17, Solokl teaches receiving an online purchase request that intercepts the online purchase request using a software process configured to cooperative(ly) operate with a browser program on the user's personal computer (col. 5, lines 12-18 – service.com is a software

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process configured to cooperatively operate with the browser program on the user's personal computer, the software is resident on the Internet – the claim does not specify that the software resides locally only that it cooperatively operate with the browser program on the user's personal computer).

8. Claims 2, 7, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl, et al. (6,173,269 B1).

As per claim 2, while Solokl teaches that the generating of a database of user specific preferences includes receiving user information corresponding to user credit card information and types of purchases that the user desires to prohibit (cols. 5-6, lines 56-12; col. 6, lines 40-50 and 63-66; col. 9, lines 8-25), the receiving of user information corresponding to user credit card information is only one type of payment information that Solokl teaches prohibiting. Solokl teaches that the advantage of utilizing credit cards are that they are universally accepted and protection can be applied prior to providing the purchase authorization code to the merchant for the transaction and thus, the service may be used universally (col. 6, lines 40-50). Therefore, it would have been obvious to one of ordinary skill in the art to have generated a database of the user specific preferences as taught by Solokl for the specific reasons set forth in the reference.

As per claim 7, Solokl teaches that the receiving of an online purchase request includes intercepting the online purchase request in a credit card company's credit card authorization system (Fig. 1 – 30; col. 6, lines 40-50).

Claim 16 is rejected for the same reasons as claims 7 and 9.

Claim 20 is rejected for the same reason as claims 7 and 18.

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9. Claims 3, 11, 13, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl, et al. (6,173,269 B1) as applied to claims 1, 9, and 20 above, and further in view of Li (2002/0099700 A1) and/or McCallum, et al. Building Domain-Specific Search Engines with Machine Learning Techniques, AAAI Spring Symposium on Artificial Intelligence Agents in Cyberspace 1999, 1999.

Solokl teaches as set forth above. However, Solokl does not teach the use of executing a web crawler operation configured to (dynamically) search through Internet web sites, identify commerce related sites, and store (dynamically) a categorized list of the commerce related sites in a memory device. Although it is noted, as set forth above that Solokl does teach the storing of a categorized list of the commerce related sites in a memory device, i.e. database, and that the service can inspect a merchant site before it is added to the service's approved list and prevent a sale by key work scan of the teen's purchase order prior to approval, strongly implying some form of crawler/agent/spider/bot (cols. 5-6, lines 56-12). Li teaches a focused search engine and method that crawls through vast search spaces comprising markup language documents, for example, and categorization of the search results initiated by the search engine itself or in conjunction with the original search request, including shopping sites, keywords and links (Figs. 1, -3, 5A-B, Abstract; [0010]-[0012], [0072], [0074]) Li further teaches that a focused search engine employing focused crawling solves the problem of scalability of the web, creates higher quality search results, because it takes into consideration the hierarchical structure of the web pages while integrating techniques for both topic as well as site distillation ([0005]-[0011]). McCallum teaches that domain-specific search engines can be powerful tools because they permit the user to find and utilize exactly what he wants by utilizing a spider or web crawler that

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traverses the web looking for documents, i.e. web pages, to add to the search engine and keep it current (Introduction, Efficient Spidering). McCallum further teaches that building these search engines is a labor-intensive process, typically requiring significant ongoing human effort and therefore automation of many aspects of creating and maintaining domain-specific search engines i.e. by use of spidering in an efficient topic-directed manner that extracts topic relevant substrings and automatically adds documents into a topic hierarchy, i.e. categorization, including html structure improves classification and results (Introduction, The Cora Search Engine, Efficient Spidering). It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a web crawler/spider either initially or dynamically to keep the site maintained in Solokl as taught in Li/McCallum because the spider/web crawler performs the functions of categorization and dynamic updating for the reasons set forth in Li/McCallum and because keeping a site current/up-to-date/dynamic increases customer satisfaction because the consumers do not go to dead links, are kept current of the available sites and hence increased satisfaction with the product and less reasons to utilize another vendor and because the controls set forth in Solokl for specific products can't be exercised if the data isn't current, as the site may no longer be selling that category of products or that specific product.

10. Claims 5 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl, et al. (6,173,269 B1) as applied to claims 1 and 9 above, and further in view of Leading Online Gateway for Teen Shopping Ensures Privacy, Safety and Security, PR newswire, June 28, 1999, pg. 1.

As per claim 5, Solokl teaches as set forth above. However, Solokl does not specifically teach that prohibiting the online purchase request includes blocking a user's credit card

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information from being transmitted to the web site offering the online purchases. PR Newswire teaches that www.rocketcash.com, the first online teen retail market to receive the Children's Privacy Seal for children under 13 from TRUSTe, payment processing system ensures that the parent's, i.e. user's, credit card number is never used during purchases and that transactions are completed at merchant sites with RocketCash credit cards because it makes the Internet a safer and more comfortable forum for children shopping on the Web by the use of secure transactions and protection of personal information thus helping parents and teens shop online with confidence and freedom. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included blocking a user's credit card information in Solokl as taught in PRNewswire for the explicit reasons set forth therein and because the endorsement of the Internet industry's most stringent privacy seal program would induce more parents to utilize the site, thus creating more traffic and ultimately more profits.

Claim 14 is rejected for the same reasons set forth in claims 5 and 9.

11. Claims 6, 8, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solokl, et al. (6,173,269 B1) as applied to claim 1, 9, and 18 above, and further in view of Leading Online Gateway for Teen Shopping Ensures Privacy, Safety and Security, PR newswire, June 28, 1999, pg. 1.

Solokl teaches as set forth above. Assuming arguendo that service.com is not deemed to be an ISP, Solokl does not specifically teach that the online purchase request is intercepted in an Internet service provider, which is understood by the examiner to include the locally executed software process configured to monitor Internet traffic on a local system, i.e. the browser accompanying the ISP. PR Newswire teaches that www.rocketcash.com, the first online teen



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retail market to receive the Children's Privacy Seal for children under 13 from TRUSTe, is the only service in this market available to users of all ages specified in AOL's Parental Controls program. Thus, PR Newswire teaches that parental controls in ISP's, such as AOL, can intercept online purchase requests. PR Newswire further teaches that such parental controls address privacy and security issues for teenagers shopping online. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included intercepting the online purchase request in an ISP in Solokl as taught in PR Newswire because of the privacy and security issues facing children and the known benefits that accrue to any site that parents have in protecting their children personal information and safety.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leslie Miller, On-line Efforts to Protect Kids, USA Today, July 1, 1997, pg.04D discloses that on-line companies and groups are not going to leave parents who feel helpless to protect their kids after the Supreme Court's Ruling Overturning the Communications Decency Act and notes that ISPs provide parental controls or they can buy and install blocking software themselves.

Computer Experts Can Block Smut Parent Can Shield Children if They Just Learn How, Industry Says, Milwaukee Journal Sentinel, July 17, 1997, pg. 3 discloses that parents can use a readily available virtual toolbox, i.e. parental controls, to shield children, i.e. in browsers, by ISPs, with content labels on search engines.

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Watching Out for the Kids – Tools Help Parents Keep an Eye Out, Seattle Times, March 19, 1996, pg. C1, discloses software, and online services that protect children from content and the overall mechanisms by which they work.

DoughNet.com First to Integrate Online Banking and Spending On the Web – and It's Just for Teens, Business Wire, August 23, 1999, pg. 1, discloses a web site for teens that includes shopping and parental controls.

Tanaka, et al. (JP 410027196 A) discloses an electronic settlement system capable of restricting transaction items by the age or the like of a commodity purchasing customer.

Herman, et al. (WO 00/43852) discloses a method and apparatus for facilitating electronic commerce including a database and permission information.

Nagahara, et al. (EP 0 725 376 A2) discloses a charging method and system in an interactive on-line service.

Paleiov, et al. (US 2002/0152158 A1) discloses a method for restricting the purchase of items from a virtual store utilizing a database with data fields associated therewith.

Ruiz-Sanchez (US 2002/0009426 A1) discloses methods and apparatus for protecting against credit card fraud, check fraud, and identity theft.

Guerreri (US 2002/0055911 A1) discloses a system and method for controlling online purchases using an online account, including a clearinghouse and access controls.

Klensin, et al. (US 2003/0191971 A1) discloses a method and system for controlling internet access.

Lotvin, et al. (6,178,407 B1) discloses a computer apparatus and methods for supporting different categories of users, including databases and parent dialogues.

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In accordance with the USPTO's goals of customer service, compact prosecution, and reduction of cycle time, and because "the continual, chief complaint of inventors and their lawyers: that patent examiners are abysmal communicators, both orally and in writing,"<sup>9</sup> the Examiner has made every effort to clarify his position regarding claim interpretation and any rejections or objections in this application. Furthermore, the Examiner has provided Applicant(s) with notice—for due process purposes—of his position regarding his factual determinations and legal conclusions. If Applicant(s) disagree with *any* factual determination or legal conclusion made by the Examiner in this Office Action whether expressly stated or implied,<sup>10</sup> the Examiner respectfully requests Applicant(s) *in their next response* to expressly traverse the Examiner's position and provide appropriate arguments in support thereof. Failure by Applicant(s) *in their next response* to traverse the Examiner's positions and provide appropriate arguments in support thereof will be considered an admission by Applicant(s) of the factual determinations and legal conclusion not expressly traversed.<sup>11</sup> By addressing these issues now, matters where the Examiner and Applicant(s) agree can be eliminated allowing the Examiner and Applicant(s) to focus on areas of disagreement (if any) with the goal towards allowance in the shortest possible time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is 703.306.2906. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm,.

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<sup>9</sup> Sabra Chartrand, *A Bid to Overcome Patent Backlogs*, 152 N.Y. Times C2 (Sept. 23, 2002).

<sup>10</sup> E.g., if the Examiner rejected a claim under §103 with two references, although not directly stated, it is the Examiner's implied position that the references are analogous art.

<sup>11</sup> See also MPEP §714.02, 37 CFR §1.111(b), and 37 CFR §1.104(c)(3).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703.308.5183. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

  
Jennifer Ione Harle  
December 13, 2003